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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/415,679	10/08/1999	XI CHEN	15962-0012	5155

7590                    04/06/2004

SQUIRE, SANDERS & DEMPSEY  
14TH  
8000 TOWERS CRESCENT DRIVE  
TYSONS CORNER, VA 22182-2700

EXAMINER

CHANG, EDITH M

ART UNIT

PAPER NUMBER

2634

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/415,679	CHEN, XI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Edith M Chang	2634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 February 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 2-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 2-23 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 and 10, line 4, "said pulse does not conform to an industry-standard pulse" fails to particularly point out which/what is the no industry-standard conformed pulse, wherein only industry standard specified pulse(s) taught (page 2 lines 10-11, lines 15-17; page 6 line 8, lines 9-10) to distinctly claim the subject matter which applicant regards as the invention.

Claims 17, 21, 22 and 23, lines 4-5, "said pulse does not conform to an industry-standard pulse" fails to particularly point out which/what is the no industry-standard conformed pulse, wherein only industry standard specified pulse(s) taught to distinctly claim the subject matter which applicant regards as the invention.

Claims 2 & 21, line 10, "the industry-standard pulse" renders the claim being indefinite for failing to point out, which "the industry-standard pulse" it refers to as the specification teaches more than one industry standard specified, pulses (page 2 lines 10-11, lines 15-17; page 6 line 8, lines 9-10) to distinctly claim the subject matter which applicant regards as the invention.

Claims 10 & 22, line 11, "the industry-standard pulse" renders the claim being indefinite

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for failing to point out, which “the industry-standard pulse” it refers to as the specification teaches more than one industry standard specified pulses (page 2 lines 10-11, lines 15-17; page 6 line 8, lines 9-10) to distinctly claim the subject matter which applicant regards as the invention.

Claims 17 & 23, line 12, “the industry-standard pulse” renders the claim being indefinite for failing to point out, which “the industry-standard pulse” it refers to as the specification teaches more than one industry standard specified pulses (page 2 lines 10-11, lines 15-17; page 6 line 8, lines 9-10) to distinctly claim the subject matter which applicant regards as the invention.

### *Conclusion*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edith M Chang whose telephone number is 703-305-3416. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Edith Chang  
March 31, 2004

*Chieh M. Fan*  
CHIEH M. FAN  
PRIMARY EXAMINER